

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9824 of 2011

Arising Out of PS.Case No. -833 Year- 1999 Thana -null District- KATIHAR

Syed Razaullah Torabi son of Syed Md. Wajahul Islam, resident of village Baghol,
Police Station Jale, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Firoja Doja, daughter of late Dr. M.N. Doza, resident of Mohalla Fakir
Takia, M.G. road, Police Station and District Katihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. M.S. Hoda, Advocate
Mr. Surya Narain Yadav, Advocate
For the State : Mr. Arun Kumar Pandey, Advocate
For Opposite Party No.2 : None

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-03-2015

The Petitioner seeks quashing of the order of cognizance dated 23.9.1999 passed by the Judicial Magistrate, 1st class, Katihar in Complaint case No.833 of 1999 on the ground that he is not the husband of the Opposite Party No.2.

Thrice notices were sent to the Opposite Party No.2 but none appears on her behalf.

Since the Petitioner seeks quashing on questions of fact which cannot be gone into at the stage of 482 Cr.P.C, I am not inclined to interfere in the matter.

The Court below is directed to conclude the proceedings positively within a period of four months from the date of receipt of

this order.

It is made clear that if the Complainant fails to appear after due notice, the court below shall not wait for her.

With these observations, the application stands disposed of.

The interim order dated 28.6.2012 is vacated, but the Petitioner is given interim protection by which no coercive steps shall be taken against him.

(Anjana Prakash, J)

Narendra/-

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